

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

GEORGE IVAN LOPEZ,	:	Honorable Karoline Mehalchick
	:	Honorable MJ Carlson
Plaintiff	:	
	:	
v.	:	No. 3:21-CV-1819
	:	
JOHN WETZEL, et al.,	:	
	:	
Defendants	:	Filed Via Electronic Case Filing

DEFENDANTS' MOTION TO DISPOSITIVE MOTION DEADLINES

The Defendants, by and through their attorney, Kim Adams, Assistant Counsel to the Department of Corrections, hereby move this Court to stay the current dispositive motion deadline of April 29, 2024. On April 12, 2024, this Court issued an Order directing Plaintiff to file a statement with the Court indicating if he intends to proceed with his individual claim and a case management plan outline by April 26, 2024, three days before dispositive motions are due.

1. Plaintiff, George Lopez, a death-sentenced prisoner presently incarcerated by the Commonwealth of Pennsylvania, Department of Corrections (“the Department”), at the State Correctional Institution at Phoenix (“SCI-Phoenix”).
2. On October 26, 2021, Plaintiff and five other inmates at SCI-Phoenix filed a complaint pursuant to 42 U.S.C. § 1983 alleging violations of his rights under

the Eighth and Fourteenth Amendments, as well as the Americans with Disabilities Act (“ADA”), at the above listed docket. *See* Doc. 1.

3. A Report and Recommendation was issued by the Court on December 20, 2023, recommending to sever Plaintiffs into separate complaints pursuant to Fed.R.Civ.P. 21. *See* Doc. 172.
4. Prior to the adoption of the Report and Recommendation, Defendants filed a Motion to Extend the Dispositive Motions deadline. *See* Doc. 184.
5. On February 29, 2024, Judge Mehalchick granted Defendants’ Motion to Extend the Dispositive Motions deadline, with dispositive motions being due on or before April 29, 2024. *See* Doc. 186.
6. On April 4, 2024, Judge Mehalchick adopted the Report and Recommendation, and Ordered the inmate plaintiffs be severed into six separate complaints.
7. The other inmates have been severed from the original docket as follows: Ralph Stokes (3:24-cv-605); Jose Uderra (3:24-cv-606); Richard Poplawski (3:24-cv-607); Darien Houser (3:24-cv-603); and, Gerald Watkins (3:24-cv-604).
8. On April 12, 2024, this Court issued an Order directing Plaintiff to file a statement with the court indicating whether the plaintiff is proceeding with

this individual claim along with a proposed case management plan outlining the steps the plaintiff believes need to be taken in this litigation. *See* Doc. 196.

9. Plaintiff has until April 26, 2024, three days before dispositive motions are due, to comply with this order. *See* Doc. 196.
10. Staying the dispositive motions deadline date in this matter until after Plaintiff complies with the Order, and any subsequent issues that may arise are resolved, would promote the preservation of public resources and judicial economy.
11. This request is not made in bad faith or to unnecessarily delay this litigation, and Plaintiff will not be prejudiced by a temporary delay in the filing of dispositive motions.

WHEREFORE, for the above-stated reasons the Defendants respectfully request that this Court enter an order staying the dispositive motion deadline in this matter.

Respectfully submitted,

Office of General Counsel

/s/ Kim Adams

Kim Adams, Assistant Counsel

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Date: April 15, 2024

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CERTIFICATE OF SERVICE

I hereby certify that the foregoing filing was served upon George Lopez at Smart Communications/PA DOC, SCI Phoenix, PO Box 33028, St. Petersburg, FL 33733.

/s/ Kim Adams  
Kim Adams

Dated: April 15, 2024